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TAGS: [PHUM](#) [ELAB](#) [PREL](#) [KJUS](#) [CB](#)

SUBJECT: PROTESTORS DEMAND REOPENING OF CHEA VICHEA MURDER CASE -- A YEAR AFTER CONVICTIONS

¶1. (U) Summary: On August 1 (the first-year anniversary of the convictions), 20 armed police officers dispersed protestors who had gathered in front of the Phnom Penh prison holding the two convicted killers of Chea Vichea to demand that their cases be reopened. Protesters also appealed to King Sihanoni to issue a royal pardon to release the two men; former King Sihanouk has called for a re-examination of the case. Responding to union leader (and brother of Chea Vichea) Chea Mony's letter requesting the release of the two men, the Minister of Justice stated that new evidence is needed to reopen the murder case. End Summary.

Demonstration Halted; Protesters Appeal for Justice

¶2. (U) Around 60 NGO workers, union leaders, monks and family members of Born Samnang and Sok Sam Oeun rallied on August 1 in front of Phnom Penh's Civil Police prison. They planned a peaceful ceremony to release birds marking the first anniversary of the convictions for murdering the popular union leader Chea Vichea in [¶2004](#). Some 20 police officers of the Phnom Penh Police Commissariat, armed with rifles and electric batons, ordered demonstrators to move away. The Phnom Penh Police Commissioner Touch Naroth cited concerns of an attack on a nearby police station as a reason for the dispersal. Protestors had to move from the prison and release birds from a nearby pagoda.

¶3. (U) On January 22, 2004, Chea Vichea was shot to death by unmasked assailants while reading a newspaper at a Phnom Penh newsstand. Chea Vichea's funeral procession attracted thousands of sympathizers to the downtown Phnom Penh streets, and highlighted the strong public pressure for finding those behind the murder of the popular union leader. Several days later, the Phnom Penh Municipal police arrested Samnang and Sam Oeun, accusing the two men of the murder. When paraded in front of the media, both claimed they were scapegoats.

¶4. (U) Investigations by human rights groups and journalists showed both suspects had strong alibis for the time around the shooting. Born Samnang claimed that the police initially extracted a confession out of him under duress - beatings, threats and bribes. On 19 March, 2004, Judge Heng Thirit dismissed the case for lack of evidence, prompting his removal by the Supreme Council Magistracy. The Phnom Penh Court Prosecutor immediately appealed the decision to the Appeals Court. On July 1, 2004, the Appeals Court reversed the ruling and returned the case to the Phnom Penh Court for further investigation. On August 1, 2006, the Phnom Penh Court convicted the two men on the basis of the initial confessions, which had later been recanted. Apart from the confessions, no evidence was presented at the trial linking the two men to the murder. Born Samnang had an alibi placing him 60 km away from the crime scene at the time of the murder. Witnesses reportedly were intimidated by police. Both men appealed the verdict and their appeals have yet to be heard.

¶5. (SBU) Much local and international criticism surrounded the criminal proceedings and NGOs highlighted irregularities in the investigation of the case. Many believe that the two did not commit

the crime, and have called for a reinvestigation of the case. Kek Galabru, President of LICADHO, said "neither of them committed this crime. It was an unjust trial; they should be released." Rong Chhun, a close associate of Chea Vichea and fellow union leader, also questioned the verdicts. UNOHCHR Director Margo Picken reiterated UNOHCHR's criticism on the conviction.

¶6. (U) Chea Mony, President of the Free Trade Union (FTU) and brother of the deceased union leader Chea Vichea, submitted a letter in March 2006 to the Ministry of Justice requesting the release of the two convicts. Ang Vong Vathana, the Minister of Justice, responded that the case can only be reopened with new, credible evidence. He also stated that letters from the prison director and the Phnom Penh Court President requesting pardons or a reduction in sentencing are needed before the MOJ would consider any such requests.

¶7. (U) Former King Norodom Sihanouk joined the debate recently by calling for the a re-examination of the case. At the time of the two men's conviction, the former Cambodian monarch indicated concern about the verdict, and had provided money to the families of the both men. The families requested an audience with Sihanouk in July 2006, but the former king denied the request, opting instead to publicly question the verdict and renew the call for justice in this case.

¶8. (SBU) Comment. Over two years after his murder, many questions continue to surround the death of Chea Vichea. The Cambodian human rights community remains convinced that the people behind bars are not the actual killers of the slain union leader, and the family of Chea Vichea does not believe justice has been served. The RGC, however, is unwilling to reopen a highly emotional case and one that could become politically volatile. End Comment.

MUSSOMELLI